

## Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 00983 211519Z

47

ACTION L-02

INFO OCT-01 NEA-09 ISO-00 CPR-01 SCA-01 SCS-03 INR-07

RSC-01 /025 W

----- 109867

R 211447Z JAN 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 6434

LIMITED OFFICIAL USE NEW DELHI 0983

E. O. 11652: N/A

TAGS: OGEN, IN, US

SUBJECT: CONSULAR CONVENTION WITH INDIA

REF: A. STATE 283439 B. KREISBERG-KUX OFFICIAL INFORMAL,  
JANUARY 8, 1975

1. MEA LEGAL ADVISOR JAGOTA TOLD POLCOUNSELOR JANUARY 21 THAT GOI WAS OF TWO MINDS ABOUT FORMAL ADHERENCE TO VIENNA CONVENTION AND HE NOW THOUGH IT PROBABLY WOULD BE A USEFUL EXERCISE FOR THE US AND INDIA TO NEGOTIATE A BILATERAL CONVENTION. JAGOTA SAID THE QUESTION OF CONSULAR ACCESS TO CITIZENS UNDER DETENTION AND TRIAL WOULD HAVE TO BE CAREFULLY THOUGHT THROUGH BY THE GOI, BUT IT WOULD BE HELPFUL TO SEE THE US DRAFT OF A PROPOSED TREATY. JAGOTA ASKED THAT THE EMBASSY SEND THE MINISTRY OF EXTERNAL AFFAIRS A NOTE PROPOSING NEGOTIATIONS TO WHICH THE MINISTRY COULD THEN RESPOND. HE DID NOT ENVISAGE ANY PROBLEM IN GAINING THE APPROVAL OF THE FOREIGN SECRETARY IN GOING AHEAD.

2. COMMENT: IN VIEW OF JAGOTA'S COMMENTS ABOVE, EMBASSY NOW RECOMMENDS THAT THE DEPARTMENT AUTHORIZE US TO SEND A NOTE FORMALLY SUGGESTING NEGOTIATION OF A CONSULAR CONVENTION. WE CAUTION THAT THE PROBLEM OF CONSULAR ACCESS MAY STILL BE DIFFICULT TO FORMALIZE IN SUCH A CONVENTION. JAGOTA NOTED THAT THE INDIAN CONSTITUTION (ART 253) ALLOWS THE PARLIAMENT TO MAKE LAWS ENFORCING TREATIES APPLICABLE TO THE STATES. BUT HE ALSO

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NEW DE 00983 211519Z

AGAIN OBSERVED THAT JUDGES HAD THE ULTIMATE RIGHT TO DECIDE ON

HOW TO CONDUCT THEIR TRIALS AND THAT LAWS SUCH AS THE OFFICIAL  
SECRETS ACT AUTHORIZING IN CAMERA PROCEEDINGS POSED PROBLEMS.  
SCHNEIDER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975NEWDE00983  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750022-1124  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750134/aaaabdnj.tel  
**Line Count:** 64  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 283439, 75 KREISBERG-KUX  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 02 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <02 APR 2003 by MartinML>; APPROVED <16 MAY 2003 by MorefiRH>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONSULAR CONVENTION WITH INDIA  
**TAGS:** OGEN, IN, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006